

### **REMARKS**

Reconsideration of the application is respectfully requested. Applicant has attempted to address every objection and ground for rejection in the Office Action dated August 24, 2004, and believes that the claims as amended are in allowable form. Claims 1 and 9 have been amended. Claims 2-5, 8, 11, 12 and 15-18 have been cancelled. Claim 19 has been added.

### **ABSTRACT**

The abstract has been amended in compliance with the requirements of the office action.

### **CLAIM OBJECTIONS**

The Office Action objected to Claim 1 the word "permitting". Applicant has amended Line 6, Claim 1.

### **CLAIM REJECTIONS 35 USC §112**

Claims 1-4, 6, 8, 9-12, 15, 16 and 18 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended in accordance with the requirements of the office action.

### **CLAIM REJECTIONS 35 USC §102**

Claims 1, 4, 5, 7, 8, 9, 12 and 14 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,844,230 to Hudson et al.

Independent claims 1 and 9 have been amended and applicant respectfully submits that the claims, in view of the amendments and the following remarks, are in condition for allowance. Claims 5 and 8 have been cancelled.

The Hudson '230 patent teaches a displayer for paperback books in a retail setting. Hudson teaches a device for storing paperback books in an arrangement whereby the books are organized in four groups of books on each shelf. As such, this arrangement does provide for large volume storage of paperback books but does not provide for viewing of both sides of the book covers of books within one group. Further, shelf supporting strips 28 are positioned in front of the book covers so that the covers are not directly viewed and provides a considerably different viewing experience then of viewing the cover unobstructed instead of with a strip 28 in front of the cover.

Applicant's invention, as in amended claims 1 and 9, provides for viewing of substantially the entire front and rear covers of a compact disk storage container. Because of the design features of applicant's invention, a person can easily view the two covers of compact disks stored in each cell of applicant's device. The Hudson patent does not provide this feature and is clearly not intended to do so. By providing a device that allows for the unobstructed viewing of compact disk covers in the manner such as applicant's, the storage of compact disks in one's home provides for a pleasing aesthetic display of the artwork provided on compact disk covers. See application paragraph 30, line 6. Applicant respectfully submits that the amended claims make reference to compact disk storage containers which are universal in size as there are numerous devices that are designed to house and store such items based on their general size of 5-1/2" x 4-7/8".

As such, applicant respectfully submits that claims 1 and 9 have been amended to distinguish over the Hudson '230 patent and applicant respectfully requests allowance of claims 1 and 9. Further, claims 4, 7, 12 and 14 depend from and contain all the limitations of claims 1 or 9, therefore applicant respectfully submits that claims 4, 7, 12 and 14 are in condition for allowance. Claims 5 and 8 have been cancelled.

Claims 1, 2, 4-6, 8, 9, 12 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,033,626 to Platti.

U.S. Patent No. 5,033,626 to Platti teaches a rotating shoe enclosure rack. The rack consists of circular layers whereby each layer can store multiple pairs of shoes. Platti cannot store compact disk covers as defined by the invention in claims 1 and 9 and as discussed above and in the application in greater detail.

Applicant respectfully submits that Claims 1 and 9 have been amended to distinguish over the Platti '626 patent and applicant respectfully requests allowance of claims 1 and 9. Further, claims 6 and 13 depend from and contain all the limitations of claims 1 and 9, therefore applicant respectfully submits that claims 6 and 13 are in condition for allowance. Claims 2, 4 and 12 have been cancelled.

#### **CLAIM REJECTIONS 35 USC §103(c)**

Claims 2, 3, 10 and 11 were rejected under 35 USC 103(a) as being unpatentable over Platti '626 and further in view of U.S. Patent No. 6,508,021 to Brozak.

As discussed above, independent claims 1 and 9 have been amended and applicant respectfully submits that the claims, in view of the amendments and the above remarks distinguish over the primary reference Platti '626. Further, claim 10 depends from and contain

all the limitations of claim 9, therefore applicant respectfully submits that claim 10 is in condition for allowance. Claims 2, 3 and 11 have been cancelled.

Claims 15-18 were rejected under 35 USC 103(a) as being unpatentable over Platti '626 in view of Brozak '021. Claims 15-18 have been cancelled.

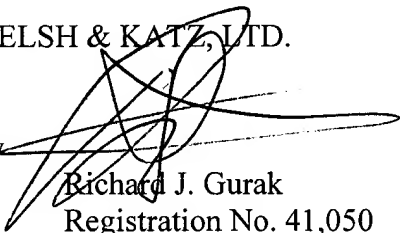
The art made of record by the Examiner but not relied upon has been reviewed by applicant and is believed not to anticipate or render obvious any claims in the application.

Applicant respectfully submits that the present application, in light of the amendments and the remarks, is in a condition for allowance, and such action is earnestly solicited. Should the Examiner determine that there are outstanding issues which may be readily resolved through a telephone interview, the Examiner is invited to contact applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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